

43. The dosage form according to claim 40 wherein, the cellulose acetate comprises an acetyl content of 39.8% and the polyethylene glycol comprises a 3,350 to 4,000 molecular weight.

44. The dosage form according to claim 40 wherein, the membrane is a semipermeable wall and weighs 40 mg.

45. The dosage form according to claim 40 wherein the black iron oxide and the lactose comprise a 95:5 mix, and is a colorant.

REMARKS

This amendment is filed in response to the Office Action dated October 17, 2002.

The Examiner rejects claims 1-54 on the grounds that three categories of patentably distinct inventions are claimed and that restriction to one of the inventions is required under 35 U.S.C. §121.

Applicants acknowledge the Examiner's restriction requirement and respectfully elects with traverse, claims 1-45 in Category I, drawn to oral dosage forms, classified in Class 424, Subclass 464.

Applicants cancel claims 46-49, drawn to extended release dosage forms, classified in Class 424, Subclass 468.

Applicants cancel claims 50-54, drawn to methods of producing plasma concentrations of hydromorphone, classified in Class 514, Subclass 282+.

The restriction requirement election is made with traverse because the oral dosage form and the extended release dosage form are not independent and they are not patentably distinct from the method of producing plasma concentrations using the dosage form. Thus, there is only a single invention and a single conceptive act in this application, the restriction requirement should be withdrawn, and all the claims passed to issue in a single application.

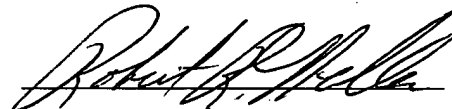
Accordingly, it is submitted that the oral dosage forms for hydromorphone therapy of Category I in claims 1-45 define a patentable invention. Reconsideration of the application is respectfully requested. Please direct any questions to the undersigned attorney at (650) 564-5171.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 10-0750.

Respectfully submitted,

Dated: March 27, 2003

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